

ALTERNATIVE DISPUTE RESOLUTION (ADR)

Recommendations 11-14: recognize the effectiveness of existing ADR programs and recognize the potential for further improvement.

The new Office of Mediation and Arbitration approved by the legislature during the 2007 session, recognizes the effectiveness of ADR programs currently in existence in New Hampshire and will expand ADR programs offered through the Judicial Branch, statewide.

The new program, which will be self-funding through a fee system, began operation on July 1, 2007 under the direction of Attorney and Mediator, Karen Borgstrom, who has many years of experience as a mediator in the courts' programs.

The new office will:

- Oversee a new approach to mediation and arbitration in the Superior Courts;
- Expand the Superior Court mediation program to all counties with participation mandatory in most cases, but with opt-out provisions for certain cases;
- Oversee divorce and family mediation programs in the Family Division, and Superior Courts along with programs in the Probate and District Courts.
- Provide enhanced training for mediators to ensure that all ADR professionals, and the training programs available to them, are of the highest quality;
- Develop a registration system for mediators for inclusion state's referral list;
- Develop standards for neutral evaluation, arbitration, and other ADR options within the state and oversee the implementation of those alternative options within the Judicial Branch.
- Develop a system for addressing concerns of users of ADR programs, including NH citizens and attorneys; and
- Work closely with court staff to ensure that the system in place for each court program is working smoothly, and that there is support for both the court staff, the mediators and the users of the programs.

In addition to the areas listed above for already existing programs, the new office is exploring the possibility of adding dispute resolution programs in the following additional areas:

- Appellate level mediation.
- District Court Cases over the small claims limit and Landlord-Tenant cases.

- Criminal cases in which a diversion program may provide a better alternative to incarceration.
- Administrative tribunals, such as the Labor Board.
- Interdepartmental use